

ORIGINAL

LinWenYuan.rem

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FILED
DISTRICT COURT OF GUAM

MAR 31 2006

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 01-00044
)	
Plaintiff,)	
)	
vs.)	PETITION TO REMIT SPECIAL
)	ASSESSMENT FEE
WEN YUAN LIN,)	[18 U.S.C. § 3573]
)	
Defendant.)	

COMES NOW the United States of America, by and through its undersigned counsel, and respectfully petitions this Court pursuant to 18 U.S.C. § 3573 for the entry of an order remitting the unpaid special assessment fee earlier imposed upon Defendant WEN YUAN LIN and in support hereof, states as follows:

1. On October 19, 2001, sentence was imposed by this Court against Defendant WEN YUAN LIN. Among other things, a \$100.00 special assessment fee was ordered. The total amount now owed by said Defendant is \$65.00.

2. Upon information received from the Immigration and Customs Enforcement Deportable Alien Control System (ICE/DACS), the defendant, WEN YUAN LIN, was deported to China on November 1, 2004. See Exhibit "A."

3. Section 3573 of Title 18, United States Code, as amended, provides in pertinent part as follows:

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1 Upon petition by the Government showing that reasonable efforts to
2 collect a fine or assessment are not likely to be effective, the court may, in the
interest of justice --

3 (1) remit all or part of the unpaid portion of the fine or special assessment,
including interest and penalties

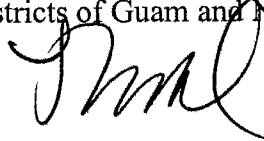
4 4. The United States Attorney has determined that in light of Defendant's
5 deportation, there is no reasonable likelihood that expending further efforts to collect the special
6 assessment fee will produce any revenue to the United States. To the contrary, any further efforts
7 will needlessly expend resources that could be better directed to areas with greater potential for
8 recovery.

9 5. The interests of justice mitigate in favor of remission of the unpaid special
10 assessment fee.

11 WHEREFORE, the United States of America respectfully requests that this Court enter
12 an order remitting the unpaid special assessment fee imposed upon Defendant.

13 DATED this 30th day of March, 2006.

14
15 LEONARDO M. RAPADAS
16 United States Attorney
 Districts of Guam and NMI

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18 By: _____

19 MARIVIC P. DAVID
20 Assistant U.S. Attorney
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A-NUM : 076281861

LAST-NAME : LIN

NATLTY: CHINA

FIRST-NAME: WEN YUAN

DATE-DOCKET-CLEARED: 04/27/2005

DEPART-CLEARED-STAT: 8

TRANSFER-TO-DCO:

DATE-DOCKET-TRANSFER:

DATE-DEPARTED: 11/01/2004

PORT-DEPARTED: SFR

DEPART-COUNTRY: CHINA

FINAL-CHARGE: I2A1

EXPENSE-CODE: 1

HIT PF4 TO RETURN TO CASE SELECT SCREEN OR ENTER FOR NEXT SCREEN

